

Amendment No. 66 to SB7001

McNally
Signature of Sponsor

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Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 7001*

House Bill No. 7001

by deleting SECTION 33, § 3-6-305, and by substituting instead the following:

§ 3-6-305

(a)

(1) No person may provide a gift, directly or indirectly, to a candidate for public office, official in the legislative branch, official in the executive branch, or immediate family of such candidate or official.

(2) A candidate for public office, an official in the legislative branch, or an official in the executive branch, or immediate family of such candidate or official may not solicit or accept directly or indirectly a gift from any person.

(b) The following are not subject to the prohibition in subsection (a):

(1) Benefits resulting from business, employment, or other outside activities of a candidate or official or the immediate family of a candidate or official, if such benefits are customarily provided to others in similar circumstances and are not enhanced due to the status of the candidate or official;

(2) Informational materials in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication;

(3) A gift given by a member of the candidate or official's immediate family or by a relative within the third degree of consanguinity of the candidate or official or the candidate or official's spouse;

(4) A gift given by an individual if the gift is given for a nonbusiness purpose and is motivated by a close personal friendship and not by the position of the candidate or official.

(A) A gift shall not be considered to be given for a nonbusiness purpose if the individual giving the gift seeks:

(i) To deduct the value of such gift as a business expense on the individual's federal income tax return; or

(ii) Direct or indirect reimbursement or any other compensation for the value of the gift from a client or employer.

(B) In determining if the giving of a gift is motivated by a close personal friendship, at least the following factors shall be considered:

(i) The history of the relationship between the individual giving the gift and the recipient of the gift, including whether or not gifts have previously been exchanged by such individuals;

(ii) Whether the gift was purchased by the individual who gave the item; and

(iii) Whether the individual who gave the gift also gave the same or similar gifts to other candidates, officials, or their immediate family at the same time;

(5) Food or beverage having a retail value of less than ten dollars (\$10) per candidate or official per day, excluding sales tax and gratuity; provided, however, the value of such food or beverage may not be reduced below such monetary limitation by dividing the cost of the gift amount two (2) or more persons;

(6) Sample merchandise, promotional items, and appreciation tokens, if they are routinely given to customers, suppliers or potential customers or suppliers in the ordinary course of business;

(7) Unsolicited tokens or awards of appreciation, honorary degrees, or bona fide awards in recognition of public service in the form of a plaque, trophy, desk item, wall memento and similar items; provided, that any such item shall not be in a form which can be readily converted to cash;

(8) Opportunities and benefits made available to all members of an appropriate class of the general public, including but not limited to:

(A) Discounts afforded to the general public or specified groups or occupations under normal business conditions except that such discounts may not be based on the status of the candidate or official;

(B) Prizes and awards given in public contests; and

(C) Benefits of participation in events held within the state and sponsored by, or for the benefit of, charitable organizations as defined in § 48-101-501(1); provided, that such events must be open to participation by persons other than candidates, officials or their immediate family and any benefits received must not be enhanced due to the status of the candidate or official, or provided that invitations are extended to the entire membership of the general assembly;

(9) Tickets to athletic events involving teams representing in-state schools, colleges and universities or to other events sponsored by such institutions, if offered by the involved institution, and benefits of attendance at political events or fundraisers sponsored by candidates for public office or other political organizations, and/or tickets to charitable, cultural, educational or political events held within the state, when customarily provided as a courtesy to all candidates for an office or public officials of similar rank in the event's jurisdiction;

(10)

(A) Expenses for out of state travel, if such travel is paid for or reimbursed by a government or an established and recognized association of elected government officials or any other group or association which is an umbrella organization for public officials;

(B) Entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs or beverages that are provided in connection with, and are arranged or coordinated through the employees or designated agents of, a conference, if the conference is sponsored by an established and recognized association of elected state government officials, staff of elected state government officials or both officials and staff, or any other group or association

which is an umbrella organization for such officials, staff, or both officials and staff;

(11) Entertainment, food, refreshments, meals, beverages, or health screenings that are provided in connection with an in-state event to which invitations are extended to the entire membership of the general assembly; however, a copy of such invitation must be delivered to the ethics commission and to each member of the general assembly at least seven (7) days in advance of the event by the person paying for the event; provided further, however, within thirty (30) days following the event, such person must electronically report to the commission the total aggregate cost paid for the event as well as the per person contractual cost for the event or the per person cost for the event based on the number of persons invited, which shall not exceed fifty dollars (\$50) per person per day excluding sales tax and gratuity. The value of any such gift may not be reduced below such monetary limitation by dividing the cost of the gift among two (2) or more persons. All such information delivered or reported to the commission shall be promptly posted on the commission's Internet site. By rule, the commission may authorize the filing of a consolidated report if the costs of the event are shared by two (2) or more persons; however, any such report must specify the allocation of the costs among such persons; provided further, however, such persons shall remain individually accountable for the timeliness and accuracy of the consolidated filing;

(12) Food, refreshments, meals, foodstuffs, entertainment, beverages or intrastate travel expenses that are provided in connection with an event where the candidate for public office, an official in the legislative branch or an official in the executive branch, or immediate family member of such candidate or official is a speaker or part of a panel discussion at a scheduled meeting of an established or recognized membership organization which has regular meetings;

(13) Health care services which are provided or rendered on state property and are offered as a courtesy to all officials or employees of the legislative or executive branch; and

(14) Travel expenses for occasional or incidental intrastate ground travel for which no fare is ordinarily charged.

(c) Nothing herein shall prohibit a city, county or chamber of commerce from hosting and/or funding an activity where the entire general assembly is invited as a group to a special activity within that governmental entity's jurisdiction. County and municipal groups, and state colleges and universities are exempted from the prohibitions in this section when access to facilities or events which they sponsor is permitted to all members of the general assembly, a standing or statutory committee of either or both houses of the general assembly, or all members whose districts are located within the county of such group, college or university.

(d) A gift made contrary to this section shall not be a violation of this section if the candidate, official or immediate family member does not use the gift and returns it to the donor within the latter of ten (10) days of receipt or ten (10) days of having knowledge that the gift was a violation or pays consideration of equal or greater value within the latter of ten (10) days of receipt or ten (10) days of having knowledge that the gift was a violation.